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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,082	06/25/2001	Kojiro Hamabe	14729	8771

7590 11/30/2004

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EXAMINER
GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
2684	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/891,082	HAMABE, KOJIRO	
	Examiner	Art Unit	
	Tilahun B Gesesse	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 August 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *30 and 40* is/are allowed.

6)☒ Claim(s) *1,11, 21,31* is/are rejected.

7)☒ Claim(s) *2-10,12-20,22-29 and 32-44* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to applicant's argument filed 8/30/04 in which claims 1-44 are pending.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

3. ~~35 U.S.C. 112, first paragraph, requires the specification to be written in "full,~~ clear, concise, and exact terms." The specification is replete with terms, which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: some of the terms of the specification properly spaced, for instance, page 1, line 11 and 17. Therefore, proper correction is required

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,11,21 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US 5,893,035).

Claim 1, Chen discloses communication system (figure 1) including a plurality of cells (cells are served by base stations 16a and 16b of figure 1), a plurality of base stations (16a and 16b of figure 1), mobile station (12) located within the cells, and control station (base station controller (14) provided in common for the plurality of base stations (base station 16a and 16b) and transmitting control instruction for balance adjustment of transmission power to respective of the mobile stations from the base stations, (column 14, lines 16-40, column 9, line 55-column 10, line 63 and figures 6 and 7) the base station control means (14) for controlling initiation of adjustment period for performing the adjustment from a frame number determined on the basis of frame number of the adjustment period (column 13 lines 13-33 and figure 6 and table 1). Chen differs in disclosing balance. However, Chen teaches base station controller (14) communicates the power control command to base stations and sole control of the transmission power from the base stations 16a and 16b (column 8, lines 30-45). Then, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to balance adjustment of transmission power control of base stations, during balance adjustment period.

Claim 11, Chen discloses a transmission power control method in a cellular communication system (figure 1) including a plurality of cells (cells are served by base stations 16a and 16b of figure 1), a plurality of base stations (16a and 16b of figure 1), mobile station (12) located within the cells, and control station (base station controller (14) provided in common for the plurality of base stations (base station 16a and 16b) and transmitting control instruction for balance adjustment of transmission power to

respective of said mobile stations from said base stations, (column 14, lines 16-29 and figures 6 and 7) the base station control means (14) for controlling initiation of adjustment period for performing the adjustment from a frame number determined on the basis of frame number of the adjustment period, in the base stations (column 13 lines 13-33, column 9, line 55-column 10, line 63 and figure 6 and table 1). Chen differs in disclosing balance. However, Chen teaches base station controller (14) communicates the power control command to base stations and sole control of the transmission power from the base stations 16a and 16b (column 8, lines 30-45). Then, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to balance adjustment of transmission power control of base stations, during balance adjustment period.

Claim 21, Chen discloses a base station in a cellular communication system (figure 1) including a plurality of cells (cells are served by base stations 16a and 16b of figure 1), a plurality of base stations (16a and 16b of figure 1), mobile station (12) located within the cells, and control station (base station controller (14) provided in common for the plurality of base stations (base station 16a and 16b) and transmitting control instruction for balance adjustment of transmission power to respective of said mobile stations from said base stations, (column 14, lines 16-29 and figures 6 and 7) control means (14) for controlling initiation of adjustment period for performing the adjustment from a frame number determined on the basis of frame number of the adjustment period (column 13 lines 13-33, column 9, line 55-column 10, line 63 and figure 6 and table 1). Chen differs in disclosing balance. However, Chen teaches base

station controller (14) communicates the power control command to base stations and sole control of the transmission power from the base stations 16a and 16b (column 8, lines 30-45). Then, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to balance adjustment of transmission power control of base stations, during balance adjustment period.

Claim 31, Chen discloses a storage medium for storing a transmission power control (column 8, lines 46-55) method in a cellular communication system (figure 1) including a plurality of cells (cells are served by base stations 16a and 16b of figure 1), a plurality of base stations (16a and 16b of figure 1), mobile station (12) located within the cells, and control station (base station controller (14) provided in common for the plurality of base stations (base station 16a and 16b) and transmitting control instruction for balance adjustment of transmission power to respective of said mobile stations from said base stations, (column 14, lines 16-29 and figures 6 and 7) control means (14) for controlling initiation of adjustment period for performing the adjustment from a frame number determined on the basis of frame number of the adjustment period (column 13 lines 13-33 , column 9, line 55-column 10, line 63 and figure 6 and table 1). Chen differs in disclosing balance. However, Chen teaches base station controller (14) communicates the power control command to base stations and sole control of the transmission power from the base stations 16a and 16b (column 8, lines 30-45). Then, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to balance adjustment of transmission power control of base stations, during balance adjustment period.

Allowable Subject Matter

5. Claims 2-10,12-20,22-29,32-39,41-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach a frame number of transmission frame to said mobile station is CFN and the balance adjustment period is Nperiod frame, the control means is responsive to reception of said control instruction to perform initiation control of the balance adjustment period from the frame of the frame number CFN to be mod (CFN, m x Nperiod) = L (wherein, m is natural number, L is 0 or nàtural number smaller than m x Nperiod common to all base stations).

7. Claims 30 and 40 are allowed over the prior art.

8. The following is an examiner's statement of reasons for allowance: the prior art does not teach aid base stations, each of said base station initiate control of a balance adjustment period from a frame to be m x Nperiod 20 (wherein m is 0 number common to all or natural number and L is 0 or natural base stations, Nperiod is a period for adjustment). said control station comprising means for selecting said Nperiod as a value satisfying a relationship of k x Nperiod = CFNmax (k is integer) assuming that a frame numher of performing said balance transmission frame to said mobile station is CFN, said balance adjustment period is Nperiod frame, minimum value of said CFN is I , maximum value is CFNmax or minimum value is 0 and maximum value is CFNmax - 1. these

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Tel. 703-308-5873

TILAHUN G... ...SE
PATENT EXAMINER

November 15, 2004